



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:	)	
	)	
VANZETTA BRIDGEMON,	)	
	)	
Complainant,	)	
	)	Charge No.: 1997CF0466
and	)	EEOC No.: 21B963227
	)	ALS No.: 10456
PRIMARY CARE FAMILY CENTERS,	)	
	)	
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

On April 29, 1998, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Vanzetta Bridgemon. That complaint alleged that Respondent, Primary Care Family Centers, discriminated against Complainant on the basis of her race when it discharged her.

Because of Respondent's failure to appear at scheduled status hearings, an order of default was entered against it. A hearing on damages was scheduled, but neither party appeared at that scheduled hearing. The matter is now ready for decision.

**FINDINGS OF FACT**

The following facts were derived from the record file in this matter.

1. On or about July 15, 1994, Respondent, Primary Care Family Centers, hired Complainant, Vanzetta Bridgemon.

2. Complainant's position was Phone Nurse.

3. Complainant's race is black.

4. Throughout her tenure with Respondent, Complainant performed her job duties in a manner considered acceptable by Respondent.

5. On or about August 5, 1996, Respondent discharged Complainant.

6. Non-black employees who were similarly situated to Complainant were not discharged for conduct similar to Complainant's conduct.

7. Respondent discharged Complainant because of her race.

8. On June 11, 2001, Administrative Law Judge William H. Hall entered an order which gave Respondent's attorneys leave to withdraw their appearance on Respondent's behalf. Judge Hall's order also set a status date of July 16, 2001.

9. Nobody appeared on Respondent's behalf at the scheduled status hearing on July 16, 2001. The matter was continued to September 5, 2001. The order entered by Judge Hall on July 16 stated that the administrative law judge would entertain a motion for default if Respondent did not appear at the next status date.

10. Nobody appeared on Respondent's behalf at the scheduled status hearing on September 5, 2001. As a result, Judge Hall entered an order of default against Respondent and set the matter for a hearing on damages on December 18, 2001.

11. After Respondent's original attorneys were granted

leave to withdraw their appearance, no other attorney entered an appearance on Respondent's behalf.

12. Complainant failed to appear at the hearing on damages scheduled for December 18, 2001. She did not file a motion to continue the hearing or contact the Commission's offices to explain her absence.

#### CONCLUSIONS OF LAW

1. Complainant is an "aggrieved party" as defined by section 1-103(B) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (hereinafter "the Act").

2. Respondent is an "employer" as defined by section 2-101(B)(1)(a) of the Act and is subject to the provisions of the Act.

3. As a result of the default entered against Respondent, Respondent is deemed to have admitted the allegations of the complaint.

4. Because of her failure to appear at the hearing on damages, Complainant has waived her right to any such damages.

#### DISCUSSION

On or about July 15, 1994, Respondent, Primary Care Family Centers, hired Complainant, Vanzetta Bridgemon. Complainant, who is black, was hired in the position of Phone Nurse. On or about August 5, 1996, Respondent discharged her.

Subsequently, Complainant filed a charge of discrimination against Respondent. That charge alleged that Respondent

discriminated against Complainant on the basis of her race when it discharged her.

For much of the pendency of the instant case, Respondent actively defended itself. However, on June 11, 2001, Respondent's attorneys were given leave to withdraw their appearance on Respondent's behalf. Administrative Law Judge William H. Hall allowed that withdrawal. Judge Hall then set a status date of July 16, 2001.

Unfortunately, after Respondent's original attorneys were granted leave to withdraw their appearance, no other attorney entered an appearance on Respondent's behalf. Nobody appeared on Respondent's behalf at the scheduled status hearing on July 16, 2001, and the matter was continued to September 5, 2001. The order entered by Judge Hall on July 16 stated that the judge would entertain a motion for default if Respondent did not appear at the next status date.

The problem continued when nobody appeared on Respondent's behalf at the scheduled status hearing on September 5, 2001. As a result of Respondent's pattern of failure to appear, Judge Hall entered an order of default against Respondent and set the matter for a hearing on damages on December 18, 2001.

As a result of the default entered against Respondent, Respondent is deemed to have admitted the allegations of the complaint. *Bielecki and Illinois Planning Council*, 40 Ill. HRC Rep. 109 (1988). Those admissions prove Complainant's claim.

According to the complaint, throughout her tenure with Respondent, Complainant performed her job duties in a manner considered acceptable by Respondent. Despite that history of good performance, Respondent discharged her. Non-black employees who were similarly situated to Complainant were not discharged for conduct similar to her conduct. As a result, it appears that Respondent discharged her because of her race.

Despite that finding of liability, it is recommended that Complainant receive no monetary damages. Although her attorney was present when the hearing was scheduled, Complainant failed to appear at the hearing on damages set for December 18, 2001. She did not file a motion to continue the hearing or contact the Commission's offices to explain her absence. Thus, it appears that Complainant has abandoned any claim for compensation.

When a default is entered but the complainant fails to appear to prove up damages, it is appropriate to let the liability finding stand but to award no monetary damages. **Butt and Early Years**, \_\_\_ Ill. HRC Rep. \_\_\_, (1989CF2543, April 22, 1994); **Allen and Corporate Security**, \_\_\_ Ill. HRC Rep. \_\_\_, (1991CF2207, February 28, 1994). That is the recommended disposition in the instant case.

To vindicate the purpose of the Human Rights Act, there are some elements of non-monetary relief which should be ordered. Respondent should be ordered to clear Complainant's personnel records of any references to this action or to the underlying

charge of discrimination. In addition, Respondent should be ordered to cease and desist from further discrimination on the basis of race.

RECOMMENDATION

Based upon the foregoing, Respondent was found to be in default which justifies a finding of liability. However, Complainant failed to prove any monetary damages. Accordingly, it is recommended that an order be entered sustaining the complaint and awarding the following relief:

A. That Respondent clear from Complainant's personnel records all references to the filing of the underlying charge of discrimination and the subsequent disposition thereof;

B. That Respondent cease and desist from further unlawful discrimination on the basis of race.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: January 16, 2002